

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

May 18, 2018

United States of America
v.

DYLAN WAINSCOTT

David J. Bradley, Clerk of Court

Case No. **4:18mj0831**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 30, May 14, and May 15, 2018 in the county of GALVESTON in the
SOUTHERN District of TEXAS, the defendant(s) violated:

Code Section

21 U.S.C. § 841(a)(1)
18 U.S.C. § 924(c)

Offense Description

Possession With the Intent to Distribute Marijuana
Using, Carrying, or Possessing a Firearm During and in Relation to a Drug
Trafficking Crime

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Dominic Rosamilia

Printed name and title

Sworn to ~~before me and signed in my presence.~~ *telephonically* *CRB*Date: 05/18/2018City and state: Houston, Texas

Judge's signature

Magistrate Judge Christina A. Bryan

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I, Dominic Rosamilia, Affiant, having been duly sworn, do hereby state the following:

I. INTRODUCTION AND AGENT BACKGROUND

2. I am an investigative or law enforcement officer within the meaning of Section 2510(7) of Title 18, United States Code, that is an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

3. 2. I am a Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since April of 2009. I graduated from the Federal Law Enforcement Training Center and the ATF National Academy in Glynco, Georgia. I am presently a member of Houston Group I of the ATF. As a Special Agent of the ATF, my duties and responsibilities include conducting criminal investigations of individuals and entities for possible violations of federal laws, particularly those laws found in Title 18 of the United States Code. I have received additional law enforcement training at Chesterfield County Police Department. I was employed by Chesterfield County Police for thirteen years. While at Chesterfield County Police Department I was assigned to investigations, vice and narcotics, community policing, patrol and was a Sergeant. I have instructed several topics throughout the state of Virginia to include Search and Seizure and Basic Law. I have requested and executed over 100 search warrants. I am a graduate of The State University of New York at Buffalo with a bachelor degree in Health and Human Services.

4. My current assignment with Houston Group I, involves the investigation of individuals who traffic firearms to individuals, violent criminals, criminal organizations such as

street gangs and drug trafficking organizations. I have used cooperating informants, undercover agents, pen register/trap and trace devices, video surveillance, wiretaps, GPS tracking devices, and audio surveillance, among other law enforcement techniques, in the course of my career with ATF.

5. This affidavit is intended to show merely that there is probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter.

II. PURPOSE OF AFFIDAVIT

6. This affidavit is made in support of an application for a complaint against and arrest warrant for DYLAN WAINSCOTT.

7. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that DYLAN WAINSCOTT committed a violation of 21 U.S.C. § 841 (Possession with Intent to Distribute Marijuana) and a violation of 18 U.S.C. § 924(c) (Using, Carrying, or Possessing a Firearm During and in Relation to a Crime of Violence or Drug Trafficking Crime).

III. CHARGES

Count One

Possession With The Intent to Distribute Marijuana

8. Beginning in or about April 30, 2018, and continuing until on or about May 15, 2018, within the Southern District of Texas, and elsewhere, the defendant

DYLAN WAINSCOTT,

did knowingly and intentionally possess with intent to distribute a controlled substance. This violation involved less than 50 kilograms of marijuana, a Schedule I substance.

All in violation of Title 21, United States Code, Sections 841 (a)(1) and 841(b)(1)(D), and Title 18, United States Code, Section 2.

Count Two

**Using, Carrying, or Possessing a Firearm During and in Relation to a
Drug Trafficking Crime**

9. On or about May 15, 2018, within the Southern District of Texas, and elsewhere, the defendant

DYLAN WAINSCOTT,

did knowingly use firearms, that is, a Tarus 40 caliber semi-automatic pistol, serial number SIT29782, and a Revolver, serial W01768, during and in relation to, and did knowingly possess a firearm in furtherance of, a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, Possession With The Intent to Distribute Marijuana; in violation of Title 18, United States Code, Section 924(c)(1)(A).

IV. STATEMENT OF PROBABLE CAUSE

10. On or about April 30, 2018, a Galveston County confidential information working with law enforcement ("CI") made a controlled purchase of four ounces of marijuana from DYLAN WAINSCOTT for \$500. The purchase was made with marked bills whose serial numbers were recorded. This four ounces was field tested by law enforcement and came back positive as marijuana.

11. Then on or about May 14, 2018, the CI made another controlled purchase of four ounces of marijuana from DYLAN WAINSCOTT, also for \$500. That purchase was also made with marked bills whose serial numbers were recorded. This four ounces was field tested by law enforcement and came back positive as marijuana.

12. All of these controlled buys took place at his home, 213 Turquoise Trade Drive,

La Marque, Texas 77568.

13. On May 15, 2018, law enforcement personnel with the La Marque Police Department, Galveston County Sheriff's Office, Santa Fe Police Department and Texas Department of Public Safety executed a search warrant at 213 Turquoise Trade Drive, La Marque, Texas 77568.

14. At approximately 1200 hours law enforcement knocked on the front door and made its presence known. After several knocks, loud footsteps in the house as if someone was running. At this time, law enforcement personnel breached the front door. As entry was made, DYLAN WAINSCOTT was located in the hallway coming off of the stairs. He was placed under arrest along with an Unnamed Co-Conspirator #1 (CC-1) who was in the kitchen.

15. After that, the garage was searched. Law enforcement located a tan in color Yeti cooler on the ground of the garage that had black in color packages of marijuana inside of it. The bags of marijuana were open bags that had previously been vacuum sealed. It located a black in color duffle bag in the corner of the garage to the right of the refrigerator. Inside the black in color duffle bag, several more black vacuum sealed bags of marijuana was located. On the floor of the garage there were empty marijuana bags. Located on top of the work bench in the garage, was a quarter pound (QP) of marijuana, vacuum sealed inside a clear baggie. All of these items were field tested by law enforcement and came back positive for marijuana.

16. WAINSCOTT'S bedroom was then searched. On the bed side table in the bedroom there was a black in color wallet. Inside the black in color wallet was WAINSCOTT'S Texas DL along with bank cards in WAINSCOTT'S name. Narcotic paraphernalia was found inside the third drawer on the dresser. A black in color safe was also located on the floor of the closet in WAINSCOTT'S room. Behind the safe, a bong (Paraphernalia) was located.

WAINSCOTT'S cell phone was located in the bedroom on top of the Xbox. Later, at the Galveston County Sheriff's Office, the safe found in WAINSCOTT'S room was opened after securing another search warrant. The safe, law enforcement found cash and drugs. The drugs were found in a zip lock bag similar to the one that was part of the April 30, 2018 controlled purchase. In addition, \$490.00 of the cash found in the safe were from the marked bills used in the controlled purchases described above. The drugs in the zip lock bag was not field tested, but it had the look and odor of marijuana.

17. Law enforcement then searched the room in the hallway to the left of the front door. Inside the room, there was a gun safe and numerous boxes of ammunition. On top of the gun safe there was a black in color bag that also had marijuana inside of it.

18. Finally, law enforcement searched the master bedroom that belonged to WAINSCOTT'S parents. In the master bedroom law enforcement located narcotic paraphernalia on the bedside table. Law enforcement also located two firearms in the dresser; a Tarus 40 caliber semi-automatic pistol, serial number SIT29782, and a Revolver, serial W01768.

19. The marijuana that was seized totaled 10.6 pounds. A representative sample was field tested by law enforcement and came back positive as marijuana.

CONCLUSION

20. Based on the foregoing, I believe that probable cause exists to support violations of Title 21, United States Code, Sections 841 (a)(1) and 841(b)(1)(D) and Title 18, United States Code, Section 924(c)(1)(A), and that the nature of this crime combined with other facts and circumstances further supports the issuance of a warrant by this court for the arrest of DYLAN WAINSCOTT.



Dominic Rosamilia
Special Agent, ATF

Subscribed and sworn to ^{telephonically} ~~before me~~ on this 18th day of May, 2018.
GAD



Christina A. Bryan
United States Magistrate Judge